

ORDER FOR PRETRIAL PREPARATION
(Prisoner Cases)

PRETRIAL CONFERENCE

Not less than 28 days prior to the pretrial conference, each party shall file the pretrial conference statement required by Civil L.R. 16-10(b)(6). The pretrial statement shall contain the following information:

- ## (1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

- (2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputed.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Disputed Legal Issues. Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief.

(4) Further Discovery or Motions. A statement of all remaining discovery or motions.

(5) Trial Alternatives and Options.

(A) Settlement Discussions. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.

(B) Consent to Trial Before a Magistrate Judge. A

1 statement whether the parties consent to a court or jury trial
2 before a magistrate judge, with appeal directly to the Ninth
Circuit.

3 (C) Bifurcation, Separate Trial of Issues. A statement
4 of whether bifurcation or a separate trial of specific issues
is feasible and desired.

5 (6) Miscellaneous. Any other subjects relevant to the trial
6 of the action, or material to its just, speedy and inexpensive
7 determination.

8 In addition, each party shall submit the following:

9 a. Exhibit List and Objections. The exhibit list
10 required by Civil L.R. 16-10(b)(7) shall list each proposed exhibit
11 by its number (see Civil L.R. 30-2(b)), description, and sponsoring
12 witness, followed by blanks to accommodate the date on which it is
13 marked for identification and the date on which it is admitted into
14 evidence. No party shall be permitted to offer any exhibit in its
15 case-in-chief that is not disclosed in its exhibit list without
16 leave of the Court for good cause shown. Parties shall also
17 deliver a set of premarked exhibits to the Courtroom Deputy. The
18 exhibit markers shall each contain the name and number of the case,
19 the number of the exhibit, and blanks to accommodate the date
20 admitted and the Deputy Clerk's initials. Appropriate sample forms
21 are attached and are also available on the Court's website at
22 www.cand.uscourts.gov.

23 b. Witness List. No party shall be permitted to call
24 any witness in its case-in-chief that is not disclosed in its
25 pretrial conference statement without leave of the Court for good
26 cause shown. **Each party must arrange to subpoena and produce the**
27 **witnesses they wish to call.**

1 c. Use of Discovery Responses. In addition to the
2 requirements of FRCivP 26(a)(3)(B), a designation of any excerpts
3 from interrogatory answers or from responses for admissions
4 intended to be offered at trial. The parties shall indicate any
5 objections to use of these materials.

6 d. Trial briefs. Briefs on all significant disputed
7 issues of law, including foreseeable procedural and evidentiary
8 issues.

9 e. Motions in Limine. Any motions in limine shall be
10 filed with the pretrial conference statement. All motions in
11 limine shall be contained within one document, limited to 25 pages
12 pursuant to Civil L.R. 7-2(b), with each motion listed as a
13 subheading. Opposition to the motions in limine shall be contained
14 within one document, limited to 25 pages, with corresponding
15 subheadings, and filed seven (7) days thereafter.

16 f. Proposed Voir Dire. The attached voir dire
17 questionnaire will be given to the venire members, and copies of
18 the responses will be made available to parties at the beginning of
19 voir dire. Each party may submit a set of additional requested
20 voir dire.

21 g. Joint Proposed Jury Instructions. As applicable,
22 jury instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1
23 through §2.13, §3.1 through §3.3 from the Manual of Model Civil
24 Jury Instructions for the Ninth Circuit (2007 Edition) will be
25 given absent objection. Parties shall each submit one set of
26 additional proposed jury instructions. The instructions shall be
27 ordered in a logical sequence, together with a table of contents.

1 Authority for each instruction shall be included as part of the
2 submission.

3 The parties shall email to cwpo@cand.uscourts.gov a copy of
4 their proposed jury instructions in WordPerfect or Word format.
5 The subject of the email should include the name of the parties,
6 the case number and a description of the document.

7 h. Proposed Verdict Forms.

8 i. Proposed Findings of Fact and Conclusions of Law
9 (Court Trial only). The parties shall email to
10 cwpo@cand.uscourts.gov a copy of their proposed findings of fact
11 and conclusions of law in WordPerfect or Word format. The subject
12 of the email should include the name of the parties, the case
13 number and a description of the document.

14 JURY SELECTION

15 The Jury Commissioner will summon 20 to 25 prospective jurors.
16 The Courtroom Deputy will select their names at random and seat
17 them in the courtroom in the order in which their names are called.

18 Voir dire will be asked of sufficient venire persons so that
19 eight (or more for a lengthy trial) will remain after all
20 peremptory challenges and an anticipated number of hardship
21 dismissals and cause challenges have been made.

22 The Court will then take cause challenges, and discuss
23 hardship claims from the individual jurors, outside the presence of
24 the venire. The Court will inform the parties which hardship
25 claims and cause challenges will be granted, but will not announce
26 those dismissals until the process is completed. Each party may
27 then list in writing up to three peremptory challenges. The

1 parties will review each other's lists and then submit them to the
2 Courtroom Deputy.

3 Then, from the list of jurors in numerical order, the Court
4 will strike the persons with meritorious hardships, those excused
5 for cause, and those challenged peremptorily, and call the first
6 eight people in numerical sequence remaining. Those people will be
7 the jury.

8 All jurors remaining at the close of the case will deliberate.
9 There are no alternates.

10 SANCTIONS

11 Failure to comply with this Order is cause for sanctions under
12 Federal Rule of Civil Procedure 16(f).

14 IT IS SO ORDERED.

Claudia Wilken

16 CLAUDIA WILKEN
17 UNITED STATES DISTRICT JUDGE
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JUROR QUESTIONNAIRE

Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. Your place of birth: _____

4. Do you rent or own your own home? _____

5. Your marital status: (circle one)

single married live with partner separated divorced widowed

6. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

7. Who is (or was) your employer?

8. How long have you worked for this employer? _____

9. Please list the occupations of any adults with whom you live.

10. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

1 11. Please describe your educational background:

2 Highest grade completed: _____

3 College and/or vocational schools you have attended:

4 _____

5 _____

6 _____

7 Major areas of study: _____

8 12. Have you ever served on a jury before? _____ How many

9 times? _____

10 If yes: State/County Court _____ Federal Court _____

11 When? _____

12 Was it a civil or criminal case? _____

13 Did the jury(ies) reach a verdict? _____

14 13. Attached is a list of the parties in this case, the law firms
15 representing the parties, attorneys in this case, and persons
16 who are potential witnesses in this case. Do you know, or
17 think you know, any of the persons listed?

18 Yes: _____ No: _____

19 If so, make a check next to their name.

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22 Rev. 6/28/10
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